AMENDED

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office	SEP 05 2003		
Returned to applicant for correction	SEP 17 2003		
Corrected application filed	OCT 29 2003		
Map filed	FEB 14 1979 under 31284		

The applicant James R. Boyce, hereby makes application for permission to change the Manner & Place of Use of water heretofore appropriated under Permit 36349

- 1. The source of water is Perry Aiken Creek
- 2. The amount of water to be changed 9.0 c.f.s.
- 3. The water to be used for Irrigation
- 4. The water heretofore permitted for Irrigation
- 5. The water is to be diverted at the following point NW¼ SW¼, Section 15, T.3S., R.35E., M.D.B.&M. or at a point from which the NW corner of said Section 15 bears N. 14°14′30″ W., a distance of 3000 feet.
- The existing permitted point of diversion is located within Unchanged
- 7. Proposed place of use 542.6 acres within the following: portion of the SW¼ SE¼, Section 26, W½ SW¼, NW¼, NW¼ NE¼, Section 35, T.2S., R.35E., M.D.B.&M.; W½ W½, Section 2, E½ SE¼, Section 3, T.3S., R.35E., M.D.B.&M.
- 8. Existing place of use **400 acres within the following:** S½ SE¼, SE¼ SW¼, Section 34, SW¼ SW¼, Section 35, T.2S., R.35E., M.D.B.&M.; W½ W½, Section 2, E½ NE¼ Section 3, W½ NW¼, Section 11, T.3S., R.35E., M.D.B.&M.
- 9. Use will be from **January 1** to **December 31** of each year.
- 10. Use was permitted from March 1 to October 1 of each year.
- 11. Description of proposed works Existing diversion dam and pipeline from Perry Aiken Creek, thence to a reservoir and concrete ditches to the place of use.
- 12. Estimated cost of works Completed See Permits 36348 & 36349
- 13. Estimated time required to construct works Completed-See Permits 36348 & 36349
- 14. Estimated time required to complete the application of water to beneficial use Five (5) years.
- 15. Remarks: This application is being filed to change the place of use under Permit 36349. Water will be commingled with Applications to Change Permits 3159 and 11278 for irrigation of 5426 acres within the proposed place of use.

By Gregory M. Bilyeu s/Gregory M. Bilyeu 500 Damonte Ranch Pkwy., Suite 1056 Reno, Nevada 89521

Compared cmf/bk	lb/gk/	•		
Protested		·		

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of waters of Perry Aiken Creek (storm and flood water) as heretofore granted under Permit 36349, is issued subject to the terms and conditions imposed in said Permit 36349, and with the understanding that no other rights on the source will be affected by the change proposed herein. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State reserves the right to regulate the use of the water under this proposed change at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total acres irrigated exclusively by storm and flood water from Leidy Creek and Perry Aiken Creek on a parcel located east of and adjacent to the northern portion of the ranch by Permits 70389 through 70391 shall be limited to 542.6 acres within the common described place of use.

(CONTINUED ON PAGE 3)

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The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 9.0 cubic feet per second, and not to exceed a yearly duty of 5.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

<u>January 12, 2007</u>

Proof of completion of work shall be filed before: February 12, 2007

Water must be placed to beneficial use on or before: <u>January 12, 2011</u>

Proof of the application of water to beneficial use shall be filed on or before: February 12, 2011

Map in support of proof of beneficial use shall be filed on or before: **February 12, 2011**

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

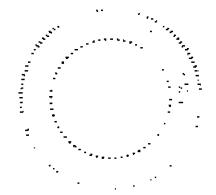
my hand and the seal of my office, this 12th day of January; A.D. 2006

State Engineer

Completion of work filed __ Proof of beneficial use filed ____ NA

Cultural map filed _





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